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CRL OP(MD). No.20454 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20454 of 2023

M.L.Sureshkumar @ M.L.Raja,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Thuckalay Police Station,
Nagercoil District.
Cr.No.442/2023.

... Respondent/Complainant

For Petitioner : Mr.R.PARANJOTHI, Advocate.

For Respondent : Mr.RMS.SETHURAMAN, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 442/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 20.10.2023 for the offence under Section 294(b), 324 and 506(ii) IPC @ 294(b), 307, 324 and 506(ii) of IPC, in Crime No.442 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous dispute, on 18.10.2023, the petitioner along with other accused abused the defacto complainant in filthy



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language, assaulted him with iron road and aruval and caused serious injuries to him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 20.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity, the petitioner and other accused assaulted the defacto complainant and caused simple injury, hence he objected to grant bail to the petitioner. He further submitted that the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.1, Padmanabhapuram, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of thirty days and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/11/2023

/ TRUE COPY /

10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TTA

TO

WEB COPY

- 1 THE JUDICIAL MAGISTRATE COURT NO.I, PADMANABHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, NAGERCOIL DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.PARANJOTHI Advocate SR.No.16161

ORDER IN
CRL OP(MD) No.20454 of 2023
Date :10/11/2023

SA/SAR. /10.11.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.